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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,699	07/27/2000	William John Jones	A-68744/JGW	9907
25226	7590	09/22/2006	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			TODD, GREGORY G	
		ART UNIT	PAPER NUMBER	
		2157		

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/626,699	JONES ET AL.	
	Examiner Gregory G. Todd	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 June 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 46-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 46-67 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/31/06</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

1. This office action is in response to applicant's amendment filed 21 June 2006 of application filed, with the above serial number, on 27 July 2000 in which claims 21-45 have been cancelled and claims 46-67 have been added. Claims 46-67 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 56 recites the limitation " the requested registration " in line 9. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 46, 48-50, 56, 58-60, and 66-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujiwara et al (hereinafter "Fujiwara", 6,064,879).

As per Claim 46, Fujiwara teaches a method for a server of a wireless network to register a user equipment:

receiving, via an anonymous communication session with the user equipment, a temporary ID and a temporary password identifying the user equipment as unregistered (temporary telephone number and ID) (at least col. 3 line 60 - col. 4 line 5; Fig. 3; col. 4, lines 15-35);

transmitting the temporary ID and the temporary password to a registration server for authentication (authenticating temporary information) (at least col. 1, lines 31-60; col. 3 line 60 - col. 4 line 5);

receiving from the registration server an authentication of the temporary ID and the temporary password (authenticating temporary information) (at least col. 1, lines 31-60; col. 3 line 60 - col. 4 line 5, 35-52);

transmitting, in response to the received authentication and via the anonymous communication session with the user equipment, a reply message comprising a request for registration information, the registration information comprising a permanent ID and a permanent password (at least col. 7 line 54 - col. 8 line 16; permanent).

As per Claim 48, the method of claim 46 in which the requested registration information further comprises indicia of a requested type of service (user entering information) (at least col. 7, lines 3-53).

As per Claim 49, the method of claim 46 in which the requested registration information further comprises a preferred user name (user entering information) (at least col. 7, lines 3-53).

As per Claim 50, the method of claim 46 in which the reply message further comprises at least one protocol filter to restrict an access to the wireless network by the user equipment (at least col. 4, lines 15-34; restricting access).

As per Claim 56, Fujiwara teaches a method for a user equipment to register with a server of a wireless network, comprising:

transmitting, via an anonymous communication session with the server, a temporary ID and a temporary password identifying the user equipment as unregistered (temporary telephone number and ID) (at least col. 3 line 60 - col. 4 line 5; Fig. 3; col. 4, lines 15-35);

receiving, via the anonymous communication with the server, a reply message comprising a request for registration information, the registration information comprising a permanent ID and a permanent password (at least col. 7 line 54 - col. 8 line 16; permanent); and

transmitting the requested registration via the anonymous communication session with the server (at least col. 7 line 54 - col. 8 line 16; Fig. 15).

Claims 58-60, and 66-67 do not substantially add or define any additional limitations over claims 46, 48-50, and 56 and therefore are rejected for similar reasons.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 51-55 and 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (hereinafter "Fujiwara", 6,064,879) in view of Rai et al (hereinafter "Rai", 6,675,208).

As per Claims 54 and 64.

Fujiwara fails to explicitly teach the registration server operates in compliance with a Remote Authentication Dial In User Service (RADIUS) standard. However, the use and advantages for using such a standard is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rai (at least Fig. 21; col. 9, lines 44-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of RADIUS into Fujiwara's system as this would clearly enhance Fujiwara's system because RADIUS is a defined IETF standard for authentication and registration purposes and thus would allow Fujiwara's system to operate under the standard.

As per Claims 55 and 65.

Fujiwara fails to explicitly teach wherein the wireless network comprises a Universal Mobile Telecommunications System (UMTS) network. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rai (cdma) (at least col. 5, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of UTMS/CDMA into Fujiwara's

system as this is a very well known cellular technology that Fujiwara's mobile unit could benefit for operating on.

As per Claims 51-53 and 61-63. Fujiwara fails to teach the reply message further comprising passing, from the registration server arrangement to the computer, an Internet service provider designation to which the user equipment has access via the wireless network, registration web page information, and registration software program for execution by the user equipment. However, the use and advantages for using such registration information is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rai (at least col. 5, lines 46-55; col. 8, lines 10-30; col. 43, lines 5-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rai's registration methods into Fujiwara's system as this would further enhance Fujiwara's system to offer more functionality and ease of use in setting up such registration of the computer and as these are well known variations in the art for registering subscribers.

7. Claims 47 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (hereinafter "Fujiwara", 6,064,879) in view of Rollender (hereinafter "Rollender", 6,192,242).

Fujiwara fails to explicitly teach the requested registration information further comprises indicia of a preferred service provider. However, the use and advantages for using such a service is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rollender (at least col. 1, lines 14-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rollender's service provider choosing into Fujiwara's system as this would allow the user to use the pre-registered mobile unit with any service provider upon initial connection and not be limited to any one specific service provider.

***Response to Arguments***

8. Applicant's arguments filed 21 June 2006 have been fully considered but they are not persuasive. Examiner reasserts previous response in anticipation of supplemental arguments in Applicant's next response.

Applicants argue Fujiwara does not teach an anonymous access system wherein a computer is connected to wireless user equipment, thus allowing Internet access and the registration program to control the user equipment.

In response, Fujiwara's system is anonymous as the user who purchases the wireless equipment is given a temporary telephone number and ID that is temporarily stored on the phone itself at the time of manufacture (see col. 3 line 60 - col. 4 line 35), thus Fujiwara teaches a system and method of first registering a user in a wireless access network via an established anonymous session between the user and the network as the temporary ID and password given to the wireless equipment is not based on who the user is, but rather, given to the equipment at time of manufacture.

Fujiwara further teaches the mobile unit being connected to a ROM writer (computer / PC) at the time of manufacture and registration so that only the temporary

DN and ID are given to the unit and communicating over a public network (at least Fig. 2; col. 3 line 60 - col. 4 line 35).

Applicant's previous arguments filed 07 February 2006 have been fully considered but they are not persuasive. Applicant's arguments are directed, in substance, to claims 21-45, having been cancelled herein. The new claims 46-67, while similar, are disparate enough (for example, see at least - temporary ID and password are not predetermined in new claims) to render the arguments to claims 21-45 moot.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Holmes and Hawkins, in addition to previously cited Grube et al, Dailey, Vilander et al, Larkins, Tiedemann, Freitag et al, Chatterjee et al,

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Jones et al, and Ronneke are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100



ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100